

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Takashi FUKUDA	:	Confirmation Number: 2751
	:	
Application No.: 10/520,082	:	Group Art Unit: 1795
	:	
Filed: January 05, 2005	:	Examiner: HODGE, Robert W.
	:	
For: FUEL CELL POWER PLANT	:	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Noting the Office Action of August 18, 2008 wherein restriction has been required, Applicant hereby elects Group I, claims 1-14, with traverse for prosecution in the above-identified application.

The restriction is traversed because the Examiner has not established lack of unity of invention as required when imposing a restriction in an application filed under 35 U.S.C. § 371. The Examiner merely noted that fuel cell power plants with heaters were known in the prior art. The Examiner, however, did not address the other corresponding technical features. Claim 1, for example, requires a sensor which detects a parameter for estimating a freezing probability of water; and a programmable controller programmed to estimate the freezing probability of water in the fuel cell power plant, estimate a wait time; and suspend operation of the antifreeze operation. Claim 15 requires detecting a parameter for estimating a freezing probability, estimating the probability of water freezing in the fuel cell power plant, estimating a wait time,

and suspending operation of the antifreeze mechanism. The Examiner has not shown that these corresponding special technical features are disclosed in the prior art. Thus, this restriction is improper, and claim 15 should be rejoined and examined.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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as our correspondence address.**